

Cellular Phone Laws Q & A

PUBLISHING & ONLINE INFORMATION BRANCH • COMMUNICATION PROGRAMS DIVISION • © 2007 STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES. ALL RIGHTS RESERVED.

Issue Date: December 24, 2007

Purpose

This memo provides general information to assist you in responding to questions regarding the:

New Cellular Phone Laws that Go Into Effect July 1, 2008

<i>Minors (under 18 years of age)</i> VC §23124	<i>Drivers 18 years of age or older</i> VC §23123
are prohibited from driving a motor vehicle while using a wireless telephone, <u>including a hands-free device</u> , and/or a mobile service device (pagers, texting devices, laptops, etc).	are prohibited from driving a motor vehicle while using a wireless telephone unless a hands-free device is used.
Exceptions: <ul style="list-style-type: none"> • emergency situations, for example: calls to law enforcement, health care provider, fire department, etc. • while operating a vehicle on private property. 	Exceptions: <ul style="list-style-type: none"> • emergency situations, for example: calls to law enforcement, health care provider, fire department, etc. • emergency service providers operating an authorized emergency vehicle during the course of employment. • while operating a vehicle on private property. • a person operating a commercial motor truck or truck tractor (excluding pickups), implements of husbandry, farm vehicle, school bus, transit vehicle, or tow truck, if using a two-way radio operated by a “push-to-talk” feature that does not require the device to be close to the ear.
The fines for both laws are: <ul style="list-style-type: none"> • \$20, first offense plus administrative fees. • \$50, second or subsequent offenses plus administrative fees. 	

Cellular Phone Law FAQ's

Drivers 18 Years and Older

Q: When do the new cellular phone laws take effect?

A: The new law takes effect July 1, 2008.

Q: What if I need to use my phone during an emergency and I do not have a hands-free device?

A: The law allows a driver using a wireless telephone to make emergency calls, including, but not limited to, calls to a law enforcement agency, health care provider, fire department, or other emergency services agency.

Q: What are the fine(s) if I am convicted?

A: The base fine for a first offense is \$20, and \$50 for each subsequent conviction. The courts will impose additional administrative fees.

Q: Will I receive a point on my driving record if I am convicted for a violation of the cellular phone law?

A: No. The violation is a reportable offense; however, DMV will not assign a violation point.

Q: Will a conviction appear on my driving record?

A: Yes, but a violation point will not be added.

Q: I drive a commercial vehicle and my phone has a “push-to-talk” feature that does not require me to place the phone to my ear, will I still be required to use a hands-free device?

A: No, only class “A” or “B” licensee operating a truck tractor as defined in *Vehicle Code* (VC) §655 or a motor truck as defined in VC §410 are allowed to use a “push to talk” feature.

Q: I drive a commercial pickup truck, may I use a two-way radio while driving?

A: No. The exemption does not apply to drivers of pickup trucks with commercial plates, even if the pickup truck is used for commercial purposes, for example, a contractor, landscaper, or other business.

Q: May I use a speaker-phone feature and hold the phone in my hand, but not next to my ear?

A: No. The law requires you use a hands-free device with your phone, a “push to talk feature is not allowed.”

Q: My car has a built-in hands-free mobile phone feature. Is this adequate or do I have to buy additional equipment?

A: No. You do not need to purchase additional equipment. You may use your vehicle's hands-free mobile phone feature.

Q: Can I send a text message on my phone or Personal Digital Assistant (PDA) while driving?

A: No.

Cellular Phone Law FAQ's, *continued***Q: Are passengers covered by this law?**

A: No, this law applies to the persons driving a motor vehicle.

Drivers Under 18 Years of Age**Q: May I use a cellular phone with a hands-free device if I am under 18?**

A: No. You can not use a wireless telephone to speak or text, even if it is equipped with a hands-free device or speaker-phone feature if you are under the age of 18. You are also prohibited from using any other type of mobile service devices, for example, specialized mobile radios, broadband personal communication devices, handheld devices or laptop computers, pagers, or two-way messaging, and texting devices. **Exception: Permitted in emergency situations.**

Q: If I am under 18, can a peace officer stop me if he/she suspects I am using a cellular phone or other mobile service device?

A: A law enforcement officer may pull you over if he/she observes or determines you are using a cellular phone.

Q: Why is the law stricter for provisional drivers?

A: Statistics show that teen drivers are more likely than older drivers to be involved in accidents because they lack driving experience and tend to take greater risks. Distractions, such as talking with passengers, eating or drinking, and talking on cellular phones or texting increase the chance you will be involved in a serious accident.

Q: Can my parents give me permission to allow me to use my cellular phone when driving?

A: No. The only exception is an emergency situation that requires you to call a law enforcement agency, health care provider, fire department or other emergency entity.

Q: If I am emancipated, does the restriction apply to me?

A: Yes, the restriction applies to all holders of an instruction permit and all licensed drivers under the age 18.

Q: If I have my parent(s) or someone age 25 years or older in the car with me, may I use my cellular phone while driving?

A: No. You may only use a cellular phone or mobile service device in an emergency situation.

Q: Will the restriction appear on my provisional license?

A: No.

Q: If my car has a built in hands-free phone feature, may I use it while driving?

A: No. The law prohibits anyone under 18 years of old from using any type of wireless device while driving, except in certain emergency situations.

References

CVC §§23123, 23124, 12810.3